IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

JUDGE'S ORDER NO.82 OF 2007
WITH
JUDGE'S ORDER NO.83 OF 2007
IN
INDIAN GUARDIANSHIP PETITION NO.31 OF 2007

In the matter of Guardians and Wards Act, 1890;

AND

In the matter of Clause 17 of the Letters Patent :

AND

In the matter of the appointment of guardian of the person of female minors TUSHNA MANI MISTRY @ TUSHNA ARDAVIRAF ELAVIA, a Ward of the 2nd Petitioner, residing with the Petitioners at 16N Tata Bldg., 3rd Flr., Dhunbai Wadi, Parsi Colony, Vile Parle (West), Mumbai 400 056 and DINAZ 2 DINAZ ARDAVIRAF ELAVIA an inmate of Asha Sadan, Rescue Home, Umerkhadi, Mumbai 400 009.

Ardaviraf Eruch Elavia
and his wife Mani Mistry ..Petitioners.

Vs.

Asha Sadan, Rescue Home,
Umerkhadi, Mumbai 400 009 ..Respondents.

Mr.Ratish Kapoor i/b.Rakesh Kapoor & Co. for the Petitioners.

Ms.Dipal Mehta for the Respondents.

CORAM : S.J. VAZIFDAR, J.
DATED : 12TH SEPTEMBER, 2007

P.C. :

A Judge's Order dated 7th March, 2007 was issued appointing the Petitioner as guardians in terms thereof, of a minor child Dinaz alias Priya.

2. The guardians have applied to have the order dated 7th March, 2007 revoked. The guardians have appeared before me and have also filed a detailed affidavit setting out the reasons for the present application.

3. Considering what is stated in the affidavit filed by the guardians, in my opinion, it is advisable to discharge them as guardians and recall the order dated 7th March, 2007. It is not necesary to set out the reasons in this order. In fact, the sooner it is done, the better. This is to enable the institution viz. Asha Sadan to immediately take steps to rehabilitate the child and secure her future including, if necessary, by giving the child in adoption by finding suitable adoptive parents/guardians.

4. In the circumstances, the order dated 7th March, 2007 is recalled and the Petitioners are discharged as guardians of the minor child.

5. The Petitioners have fairly and responsibly stated that they do not claim the investment made in the child's name. The investment shall therefore continue in the name and for the benefit of the child.

6. The Petitioners have further fairly agreed to offer on their own, a sum of Rs.10,000/- to the institution, to be utilised for the purposes of the rehabilitating the minor child. The amount may be appropriated by the institution for the said purpose at their discretion.

7. The petition is disposed of accordingly.